

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BBK TOBACCO & FOODS, LLP, D.B.A. HBI  
INTERNATIONAL,

Plaintiff,

v.

7<sup>TH</sup> ST VILLAGE FARM INC.; EAST VILLAGE  
FARM & GROCERY, INC.; VILLAGE  
CONVENIENCE; 2<sup>ND</sup> AVENUE CONVENIENCE  
STORE INC.; GALAXY WHOLESALE;  
CHOLULA II DELI & GROCERY INC.;  
WINDHORSE GAS STATION, INC.; ESSA DELI  
GROCERY CORP; ALPHABET CITY INC. I;  
NILU U. PATEL; PATEL, NILU U.; JOHN DOES  
1-10; AND XYZ COMPANIES 1-10,

Defendants.

**CIVIL ACTION NO. 17-cv-4079-  
GHW-BM**

**NOTICE OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AGAINST  
DEFENDANT GALAXY VI. CORP., D.B.A. GALAXY WHOLESALE**

TO THE COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 56, Local Rule 56.1, and the Court’s Individual Rules, Plaintiff BBK Tobacco & Foods, LLP, d.b.a. HBI International (“HBI”), respectfully moves the Court for an Order granting summary judgment against Defendant Galaxy VI Corp., d.b.a. Galaxy Wholesale, in HBI’s favor, on all claims alleged, and relief demanded, in the Amended Complaint [DKT. 27] (“Motion for Summary Judgment”). HBI’s Motion for Summary Judgment is based on the prior pleadings and proceedings in this case, the accompanying Memorandum of Law in Support of HBI’s Motion for Summary Judgment, the accompanying Rule 56.1 Statement of Undisputed Material Facts, with exhibits. Per Local Rule 6.1(b) and 56.1(b), opposition papers if any, including any contrary

statement of material facts, shall be filed and served within fourteen (14) days of filing and service of this Motion for Summary Judgment, and reply papers if any shall be filed and served within seven (7) days after service of opposition papers.

Dated: September 14, 2018

Respectfully submitted,

VENABLE LLP

/s/ Marcella Ballard

Marcella Ballard (MBallard@Venable.com)  
Victoria R. Danta (VRDanta@Venable.com)  
Maria R. Sinatra (MRSinatra@Venable.com)  
1270 Avenue of the Americas, 24<sup>th</sup> Fl.  
New York, NY 10020  
Tel.: 212.307.5500  
Fax: 212.307.5598

*Attorneys for Plaintiff BBK Tobacco & Foods, LLP,  
d.b.a. HBI International*